1 Michael Craig Cox, CA SBN # 248393 120 Roble Road, #108 2 Walnut Creek, CA 94597 Telephone: 650.245.2565 3 Facsimile: by appointment: 925.943.6249 Email: mick@legalhelpfor.us 4 5 Attorney for Petitioner Anita PATEL 6 7 8 UNITED STATES DISTRICT COURT FOR THE 9 NORTHERN DISTRICT OF CALIFORNIA 10 11 SAN FRANCISCO DIVISION 12 13 Anita PATEL, Case No.: C 07 2919 SI 14 Petitioner, 15 V. **Declaration of Michael Cox in Support of** 16 Request for Entry of Default against all Respondents Per F.R.C.P. 55(a) Alberto GONZALES, in his official capacity,) 17 Attorney General, United States Department of) Immigration Case, 18 Justice: Administrative Procedure Act Case Michael CHERTOFF, in his official capacity,) 19 Secretary, United States Department of Agency No.: A096 542 186 Homeland Security; 20 Emilio GONZALEZ, in his official capacity, 21 Director, United States Citizenship and Immigration Services, United States 22 Department of Homeland Security; and 23 **David STILL**, in his official capacity, District Director, United States Citizenship and 24 Immigration Services, United States Department of Homeland Security, San 25 Francisco, California, 26 27 Respondents. 28

I, Michael Craig Cox, declare and state as follows:

- 1. I am a member of the bar of this Court, and I give this declaration in support of Petitioner Anita Patel's Request for Entry of Default.
- 2. I am familiar with the procedural background in the above-referenced action, and the matters set forth in this Declaration are personally known to me. If called and sworn as a witness, I could and would competently testify thereto.
- 3. On June 5, 2007, Petitioner Anita Patel filed a Petition for Writ of Mandamus against Respondents Alberto Gonzales, in his official capacity, Attorney General, United States Department of Justice; Michael Chertoff, in his official capacity, Secretary, United States Department of Homeland Security; Emilio Gonzales, in his official capacity, Director, United States Citizenship and Immigration Services, United States Department of Homeland Security; and David Still, in his official capacity, District Director, United States Citizenship and Immigration Services, United States Department of Homeland Security, San Francisco, California, in her quest to receive adjudication of her pending I-485 Application to Register Permanent Resident or Adjust Status ("I-485 Application") as she endeavors to earn lawful permanent residency in the United States. This Petition is already on file with this Court in this matter.
- 4. On June 8, 2007, Kevin Hawkins sent by certified U.S. mail to all respondents, including the Attorney General of the United States, and the United States Attorney's Office copies of the Petition for Writ of Mandamus and Summons, consistent with Rules 4(c) and 4(i) of the Federal Rules of Civil Procedure ("FRCP"). Proof of this Service is already on file with this Court in this matter.

- 5. As to all respondents, the applicable time limit for responding to the Petition has expired. Pursuant to FRCP Rule 12(a)(3), all respondents had a maximum of 60 days in which to respond from the date when the United States Attorney was served.
- 6. As of today, 62 days have elapsed since the date of the certified mailing to all respondents and the United States Attorney.
 - 7. The time to plead or otherwise defend has not been extended by this Court.
- 8. At the time of filing of this Request for Entry of Default on August 9, 2007, the time allowed by law for responding has expired for all named Respondents.

I declare under penalty of perjury that the foregoing is true and correct.

Executed this 9th day of August, 2007, at Walnut Creek, California.

Respectfully submitted,

Dated this 9th day of August, 2007

/s/ Michael Craig Cox

Michael Craig Cox

Attorney for Petitioner Anita Patel